

City of Lincoln Ordinances and Design Standards Regulating E&SC Requirements

Mud Tracking

8.22.080 Truck Loads Causing Litter.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind. (Ord. 15557 §8; May 14, 1990: P.C. §9.66.080: Ord. 8622 §8; December 28, 1964).

10.22.090 Hauling in Streets Regulated.

Any person who hauls or conveys garbage, refuse, rubbish, paper, leaves, brush, brick, stone, ice, mortar, earth, manure, or other substance through the streets shall haul or convey same in a truck or vehicle with a sufficiently tight bed or box so as to prevent any portion of the contents of the truck or vehicle from falling upon the streets, roadways, or alleys, and in case any portion thereof falls into or is scattered upon any street, roadway, or alley, the person shall cause the same to be removed forthwith.

When any garbage, paper, leaves, manure, or any refuse which may be blown or dropped from the truck or vehicle which is being hauled or conveyed through the streets or alleys; the truck or vehicle shall at times, while in motion, be kept covered with a canvas, wood, or metal cover free from holes, which shall cover the entire portion of the load in the truck or vehicle and shall be firmly and closely attached to both sides and ends thereof. (Ord. 15636 §9; July 9, 1990: P.C. §14.32.010: Ord. 13093 §9; January 9, 1981: prior Ord. 3489 §41-501; July 6, 1936).

Grading Permit (NPDES Permit) Needed

All of these refer to the following:

No person shall engage in the grading or disturbance of any land one acre or greater in size without first submitting a drainage and grading plan setting forth the requirements of the design standards applicable to stormwater management, erosion, and sedimentation control and obtaining approval of said plan.

26.11.038 Authority to Proceed With Improvements.

Approval of the preliminary plat shall constitute authority for the subdivider to proceed with plans, profiles, and specifications for the grading and land preparation, submission of the final plat, and the installation of all required improvements. No person shall engage in the grading or disturbance of any land one acre or greater in size without first submitting a drainage and grading plan setting forth the requirements of the design standards applicable to stormwater management, erosion, and sedimentation control and obtaining approval of said plan. Any person who engages in the grading or disturbance of any land in violation of the provisions contained in this section shall be subject to an order to cease and desist such grading work. No utility or improvement shall be

installed or constructed until the area to be developed has been graded and the subdivider's licensed surveyor or engineer has submitted a written statement with the seal of the professional to the Director of Public Works and Utilities that the grading and shaping of the land to be developed has been completed in conformance with the grading shown on the preliminary plat, the drainage study, and the final street grades. In addition, no utility or improvement shall be installed or constructed within the Acreage Development Component of a community unit plan located in the BTA Overlay District until the entire area of the Acreage Development Component has been graded and the subdivider's licensed surveyor or engineer has submitted a written statement with the seal of the professional to the Director of Public Works and Utilities that the grading and shaping of all the land within the Acreage Development Component has been completed in conformance with the grading shown on the transitional preliminary plat, the drainage study and the final street grades. The Director of Public Works and Utilities may approve the grading, installation, and construction in phases. Also, no utility or improvement shall be installed or constructed until the plans, and if appropriate profiles and specifications, are prepared by the appropriate city department or submitted by the subdivider to the appropriate city department and other governmental agencies required by law, and approval is granted. Plans, and if appropriate profiles and specifications, for street surfacing, sidewalks, public water systems, public wastewater works, storm drains, and drainage systems, land preparation and grading, and temporary turnarounds not prepared by the city engineering staff shall be submitted to the Department of Public Works and Utilities for approval. Plans, profiles, and specifications for community water systems and community wastewater works shall be reviewed and approved pursuant to Section 26.11.040(d) of this title. Individual water well systems and onsite wastewater treatment systems shall be submitted to the City-County Health Department for approval. Plans and specifications for landscape screens and trees shall be submitted to the Planning Director for approval. Plans and specifications for electrical distribution systems and street lighting shall be prepared by the Lincoln Electric System (LES) unless the subdivider requests and receives permission from LES to use a private consulting engineer, then the plans and specifications shall be submitted to LES for approval. The plans and specifications for street name signs shall be prepared by the Department of Public Works and Utilities. The plans and specifications for the grading and land preparation, paving, street surfacing, public water system, public wastewater works and storm drains shall be prepared by a professional engineer or architect registered in the State of Nebraska.

Installation of utilities and improvements may be allowed on all or a portion of the proposed subdivision prior to the approval of the final plat. Street surfacing, public water systems, public wastewater works, and public street lighting shall not be installed or constructed until authorized by executive order of the Mayor or ordered constructed by the city through an assessment district. Storm drainage systems shall not be installed or constructed until authorized by executive order of the Mayor.

The design and installation of each utility and other improvements shall be in strict accordance with the design standards for that utility or other improvement. Design standards for utilities and other improvements shall be on file with and available from the City Clerk. (Ord. 18502 §9; February 14, 2005: prior Ord. 18455 §2; October 11, 2004: Ord. 18230 § 5; August 18, 2003: Ord. 18187 §1; June 2, 2003: Ord. 17959 §7; January

28, 2002: Ord. 17617 §2; February 22, 2000: Ord. 17052 §1; August 26, 1996: Ord. 16950 §3; March 11, 1995: Ord. 16431 §1; July 26, 1993: Ord. 14565 §9; December 15, 1986: Ord. 13157 §19; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.23.190 Land Grading.

No person shall engage in the grading or disturbance of any land one acre or greater in size without first submitting a drainage and grading plan setting forth the requirements of the design standards applicable to stormwater management, erosion, and sedimentation control and obtaining approval of said plan. Any person who engages in the grading or disturbance of any land in violation of the provisions contained in this section shall be subject to an order to cease and desist such grading work.

Earth moving shall be kept to a minimum to protect and preserve the existing trees and grasses and to keep erosion to a minimum. Graded and otherwise disturbed land shall be stabilized to prevent erosion. Trees that are to remain shall be protected to prevent damage to them during construction and development of the subdivision. (Ord. 18187 §2; June 2, 2003: prior Ord. 17617 §7; February 22, 2000: Ord. 13157 §58; June 29, 1981).

26.27.060 Land Preparation and Grading.

Any cut, fill, and compaction of land within, and if applicable, adjacent to the subdivision, shall be accomplished in accordance with design standards of the city and subject to the approval of the Department of Public Works and Utilities. No person shall engage in the grading or disturbance of any land one acre or greater in size without first submitting a drainage and grading plan setting forth the requirements of the design standards applicable to stormwater management, erosion, and sedimentation control and obtaining approval of said plan. If the land is within the floodplain or floodprone area, the applicable standards set forth in Chapter 26.24 or 26.25 must also be met. Any person who engages in the grading or disturbance of any land in violation of the provisions contained in this section shall be subject to an order to cease and desist such grading work. To control erosion and sedimentation during and after land preparation, the subdivider, his successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs, and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporarily stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods. As land preparation is completed, the subdivider, his successors and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established on those areas. Sediment basins that are to be retained for storm water detention shall be seeded to permanent vegetation no later than nine months after completion of the sediment basins and shall be permanently maintained by the subdivider or his successors and assigns. The land shall be graded and shaped as per the approved grading plan. (Ord. 18357 §1; May 10, 2004: prior Ord. 18187 §3; June 2, 2003: Ord. 17617 §8; February 22, 2000: Ord. 16950 §13; March 11, 1996: Ord. 13157 §65; June 29, 1981: Ord. 11370 §1; May 19, 1975).

27.81.010 General Regulations.

The following general regulations shall apply to all zoning districts:

(a) Except as otherwise provided in this title, no building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any structure or land be used:

(1) Except for a purpose permitted in the district in which the structure or land is located;

(2) Except in conformance with the height and minimum lot requirements, and the parking and sign regulations, and any other applicable requirements of the district in which the structure or land is located;

(3) Except in conformance with the City of Lincoln Design Standards (but not including Appendix A) for Zoning Regulations adopted by resolution of the City Council.

(b) The minimum yards and other open spaces, including lot area per family, required by this title for each and every building at the time of passage of this title or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of this title.

(c) There shall be no grading or disturbance of any land one acre or greater in size, except for tilling, cultivation, or agriculturally related conservation practices without first submitting a drainage and grading plan to the Director of Public Works and Utilities setting forth the requirements of the design standards applicable to stormwater management, erosion and sedimentation control, including the preservation of minimum flood corridors, and obtaining approval of said plan; provided, however, that the requirement to preserve a minimum flood corridor will not apply to property within a subdivision approved prior to March 8, 2000. The required grading and drainage plan may be waived by the Director of Public Works and Utilities upon submittal of a written request for such waiver stating that the grading or land disturbance is conducted as part of agricultural operations, that the land will remain in agricultural use for a period not less than three years, and that grading or land disturbance for any other purposes shall not be conducted prior to submitting and obtaining approval of a grading and drainage plan as required by this section.

(d) On or after May 1, 2006, no permit for the erection or construction of any new building and no permit for the substantial enlargement of any existing building located in the O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning district shall be issued before the applicant has submitted a Pedestrian Circulation Plan to the City for review and approval. In addition, on or after May 1, 2006, no permit for the erection or construction of any club or health care facility pursuant to Sections 27.63.200 and 27.63.080, respectively, and no permit for the substantial enlargement of any club or health care facility shall be issued before the permittee has submitted a Pedestrian Circulation Plan to the City for review and approval. The Pedestrian Circulation Plan shall conform to the City of Lincoln's Design Standards for Pedestrian Circulation in Commercial and Industrial Areas. An on-site sidewalk system shall be constructed for any new building and for any redevelopment of any existing building in accordance with the approved Pedestrian Circulation Plan prior to the issuance of a certificate of occupancy for the building. For the purpose of this section, substantial enlargement shall

mean any addition to an existing building the cost of which equals or exceeds fifty percent of the County Assessor's assessed value of the property before the start of construction of the addition.

(e) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in Chapters 27.65 and 27.71.

(f) All inhabited or occupied mobile homes shall conform to one of the following:

(1) Used as a dwelling and located in a mobile home court or mobile home subdivision operating under a valid special permit in conformance with Chapter 27.63;

(2) Used as a dwelling associated with a farm;

(3) Used as a temporary office or shelter incidental to construction or development on the premises on which the mobile home is located; or

(4) One mobile home may be used as an office in any mobile home court or mobile home subdivision operating under a valid special permit in conformance with Chapter 27.63; provided, the mobile home used as an office is located on an approved mobile home space or lot and such office is used only for conducting the business of the mobile home court or subdivision in which the office is located. Said mobile home may also be used as a dwelling.

(5) One mobile home may be used as an office in any campground operating under a valid special permit in conformance with Chapter 27.63; provided, the mobile home is used only for conducting the business of the campground. Said mobile home may also be used as a dwelling for the campground manager. A mobile home not in conformance with one of the above shall not be occupied or inhabited; nor shall it be connected to utilities, except when being displayed for sale by a dealer or manufacturer.

(g) If a single building or lot is located in two or more zoning districts, each part of the building or lot shall comply with the regulations of the district in which it is located, except as provided in Chapter 27.05 or Chapter 27.75. (Ord. 18687 §31; March 20, 2006; prior Ord. 18362 §1; May 10, 2004: Ord. 18186 §1; June 2, 2003: Ord.17618 §28; February 22, 2000; Ord. 14469 §2; August 18, 1986: Ord. 14348 §1; March 31, 1986: Ord. 13535 §6; January 24, 1983: Ord. 12571 §420; May 8, 1979).

Enforcement

26.31.030 Penalty.

Any person upon whom a duty is placed by the provisions of this title who fails, neglects, or refuses to perform such duty or who shall violate any of the provisions of this title, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed \$100.00. Each day that a violation of this chapter continues shall constitute a distinct offense and shall be punishable as such. (Ord. 15930 §14; July 29, 1991: prior Ord. 11370 §1; May 19, 1975).

26.31.040 Sediment in Public Right-of-Way; Notice to Remove; Penalty.

In addition to the penalty provided in § 26.31.030, any person responsible for sediment deposited upon any street, alley, sidewalk, public way or public ground within the City as a result of tracking, runoff or other erosion and sedimentation from a building or development site shall remove the same within a reasonable period of time as shall be

required by notice signed by the Director of Public Works and Utilities or his or her authorized representative and served upon such person responsible for sediment deposited personally or by certified mail. Whenever the person responsible for sediment deposited upon any street, alley, sidewalk, public way, or public ground within the City refuses or neglects to remove the same after receiving notice as provided herein, it shall be the duty of the Director of Public Works and Utilities or his or her designated representative to cause the same to be removed and the expense of the removal shall be recoverable from the person responsible in an action at law. (Ord. 18187 §4; June 2, 2003; prior Ord. 17617 §9; February 22, 2000).

Section 2.05 of the Lincoln Design Standards

Section 3.6 reads as follows:

3.6 Erosion and Sediment Control from Construction Site Activities

An NPDES “notice of intent” and a Stormwater Pollution Prevention Plan (SWPPP) shall be required before land disturbance or vegetation removal activities occur on any site equal to or greater than one acre in size. Contractors and developers shall contact the City on the business day prior to performing land disturbance or vegetation removal on any site equal to or greater than one acre in size. Construction sites will be inspected periodically for compliance with submitted SWPPPs. The structural and non-structural best management practices (BMPs) are recommended to address stormwater quality enhancement.

11.2.12 Stormwater Pollution Prevention Plan Requirements

Prior to any land disturbances or grading of any parcel equal to or greater than one acre in size the landowner/land developer shall prepare on forms provided by the City, a “Notice of Intent” (NOI) and a Stormwater Pollution Prevention Plan (SWPPP), following the requirements for an NPDES Permit Number NER 100000, “Construction Site Storm Water General Permit,” and in conformance with City ordinances and design standards. An interlocal agreement between the City of Lincoln, the Lower Platte South NRD, and the Nebraska Department of Environmental Quality is in process that will allow approval of one permit application to meet the respective regulatory requirements. See the flow chart shown on Figure 9-18 of the Manual.

The Drainage Criterial Manual, Section 9, Erosion and Sediment Control